

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:

CESAR ALBERTO CLAUDIO ALICEA

CASE NO. 11-02111-BKT
CHAPTER 13

DEBTOR(s)

TRUSTEE'S POSITION REGARDING "ANSWER TO OBJECTION
TO CLAIM NO. 08", D. 28

TO THE HONORABLE COURT:

Comes now, Alejandro Oliveras Rivera, Chapter 13 Trustee, through the undersigned counsel and very respectfully states and prays:

1. The present case was filed March 14, 2011 and the confirmation hearing is scheduled for October 27, 2011.

2. As per schedule J, debtor has a domestic support obligation ("DSO") and he pays \$1,367.99 a month as child support to Ms. Luz E. Rivera-Piñero.

3. On April 27, 2011, ASUME filed proof of claim no. 4 on behalf of Ms. Luz E. Rivera-Piñero in the amount of \$12,949.95. On July 12, 2011, Ms. Rivera-Piñero filed proof of claim no. 8, through counsel, as a priority in the amount of \$18,138.76.

4. On August 9, 2011, the trustee filed an "Objection to Claim no. 8 by Ms. Rivera-Piñero" stating that the debt is already being paid through proof of claim no. 4 filed by ASUME, see docket no. 27.

5. Creditor Ms. Rivera-Piñero filed an "Answer to Objection to claim no. 08", see docket no. 28. Tersely stated, creditor alleges that *"that the claim is based on support payments to be made directly to the appearing party based on the state court judgment included with*

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the claim. Debtor's pre-petition arrears to ASUME are not part of the appearing party's claim", see paragraph no. 04 of the Answer.

6. After reviewing the above-mentioned Answer, it is the trustee's position that the same is not sufficient to overcome his objection to claim. Creditor has failed to explain how proof of claim no. 8 is different from proof of claim no. 4 and why she is claiming a considerable, additional amount as pre-petition child support debt. Furthermore, the supporting documents attached to proof of no. 4 do not sustain the alleged claim amount of \$18,138.76.

7. The trustee deems necessary that creditor Ms. Rivera-Piñero should provide further information and/or file a supplement to her Answer in order for all parties in interest to properly evaluate her allegations.

8. In addition, and taking into consideration the impact upon the chapter 13 plan if claim no. 4 is allowed as a priority, the trustee respectfully requests that this Court enter an order for debtor to express his position regarding this contested matter.

WHEREFORE, it is respectfully requested that this Court to enter an order for creditor Ms. Rivera-Piñero to address the trustee's concerns herein stated and/or supplement her "Answer to Objection"; order debtor to state his position regarding the present controversy; held in abeyance the trustee's "Objection to Claim no. 8" until further information is provided and grant any other remedy it may deem just.

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NOTICE

YOU ARE HEREBY NOTIFIED THAT YOU HAVE FOURTEEN (14) DAYS FROM THE DATE OF THIS NOTICE TO FILE AN OPPOSITION TO THE FOREGOING MOTION AND TO REQUEST A HEARING. IF NO OPPOSITION IS FILED WITHIN THE PRESCRIBED PERIOD OF TIME, THE TRUSTEE'S MOTION WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED WITHOUT FURTHER HEARING UNLESS (1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUESTED RELIEF IS AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT, THE INTEREST OF JUSTICE REQUIRES OTHERWISE. IF A TIMELY OPPOSITION IS FILED, THE COURT WILL SCHEDULE A HEARING AS A CONTESTED MATTER.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System and will notify: rfigueroa@rfclawpr.com and serrano.urdaz.law@hotmail.com. I further certify that I have mailed this document by First Class Mail postage prepaid to debtor---address of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 12th day of September, 2011.

ALEJANDRO OLIVERAS RIVERA
CHAPTER 13 TRUSTEE

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